

OCT 01 2003

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PATENT

CASE NO. 19258CC

1631

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

In re application of: ARMSTRONG, ET ALSerial No. 09/835,699Filed April 16, 2001Group Art Unit 1631Examiner James MartinellFor: POLYNUCLEOTIDE HERPES VIRUS VACCINE

Transmitted herewith is an amendment in the above-identified application.

No additional fee is required.
 The fee has been calculated as shown below.

CLAIMS AS AMENDED

| (1) | (2) Claims remaining after amendment | (3) | (4) Highest Number Previously Paid For | (5) Present Extra | (6) Rate | (7) Additional Fee |
|--|--|-----|--|-------------------------|-------------|--------------------------|
| Total Claims | * <u>17</u> | - | ** <u>20</u> = | <u>0</u> X | \$18 | = <u>0.00</u> |
| Independent Claims | * <u>2</u> | - | *** <u>3</u> = | <u>0</u> X | \$84 | = <u>0.00</u> |
| Multiple Dependent Claims | | | | | \$280 **** | = <u></u> |
| TOTAL ADDITIONAL FEE FOR THIS AMENDMENT | | | | | | 0.00 |

* If the entry in Column 2 is less than the entry in Column 4, write "0" in Column 5.

** If the "Highest Number Previously Paid For" in this space is less than 20, write "20" in this space.

*** If the "Highest Number Previously Paid For" in this space is less than 3, write "3" in this space.

**** Add this fee only if application is amended to include multiple dependent claims (regardless of number) and no multiple dependent claims were originally filed.

Charge \$ 0.00 to Deposit Account No. 13-2755. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2755. A duplicate copy of this sheet is enclosed.

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Respectfully,

By: J. Mark HandAttorney for Applicant(s)Reg. No. 36,545

MERCK & CO., INC.

Patent Dept., RY60-30

P.O. Box 2000

Rahway, N.J. 07065-0907

(732) 594-3905

Date: September 29, 2003

IN DUPLICATE



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | | |
|------------------------|-------------------------------------|-------|---------|
| Applicants: | Armstrong, et al. | | |
| Serial No.: | 09/835,699 | Case: | 19258CC |
| Filed: | April 16, 2001 | | |
| For: | POLYNUCLEOTIDE HERPES VIRUS VACCINE | | |
| Art Unit: 1631 | | | |
| Examiner: James Martin | | | |

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.8(a)

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MERCK & CO., INC.
REGISTRATION NO.: 36,545
DATE: September 29, 2003

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AMENDMENT UNDER 37 C.F.R. § 1.111

Sir:

In reply to the Office Action mailed June 30, 2003, please enter the following amendments and consider the foregoing remarks. Please credit any overpayment or charge any fee deficiency to Deposit Account No. 13-2755.

AMENDMENTS TO THE SPECIFICATION begin on page 2 of this paper.

AMENDMENTS TO THE CLAIMS are reflected in the listing of claims which begins on page 6 of this paper.

REMARKS begin on page 8 of this paper.